

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 4, 6-7, 11 and 13 are pending in the application. Claims 1 and 4 are amended by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.<sup>1</sup> No new matter is presented.

The undersigned appreciatively acknowledge the courtesy extended by Examiner Dean in holding a personal interview with the undersigned on July 26, 2007. The substance of the interview is reflected in amended independent Claims 1 and 4, and in the remarks presented below. No agreement was reached during the interview pending the submission of a formal response to the outstanding Office Action.

In the Final Office Action of March 22, 2007 (herein Final Office Action), Claims 1 and 4-13 were rejected under 35 U.S.C. § 102(e) as anticipated by Trossen et al. (U.S. Patent No. 7,054,643, hereinafter Trossen).

In response to the above-noted rejection, Applicants respectfully submit that amended independent Claims 1 and 4 recite novel features clearly not taught or rendered obvious by the applied references.

Specifically, amended independent Claim 1 recites a radio communication system for performing multicast communication, comprising:

a reception ability value collector configured to collect a reception ability value of each mobile station belonging to a specific multicast group, *wherein the reception ability value defines at least one of a demodulation method, a reception buffer size, a number of bits or codes that a processor can process per one operation, an error correction method and an interleaving length;*

a transmission method determiner configured to determine a transmission method of transmitting information in accordance with the collected reception ability value...

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<sup>1</sup> e.g., specification, p. 8, lines 16-21.

wherein the transmission method determiner determines the transmission method in accordance with the reception ability value and the available radio resources, so that a mobile station equipped with a lowest reception ability can receive the information using the determined transmission method.

Independent Claim 4, while directed to an alternative embodiment, is amended to recite substantially similar features.

Turning to the applied reference, Trossen describes a method and apparatus for transmitting multicast data over a wireless channel. In Trossen, a wireless infrastructure comprising a base station and a node determines a data rate that the at least one wireless terminal participating in the multicast communication can receive reliably and configures a multicast session in accordance with this determined data rate.<sup>2</sup> The node utilizes measurements provided by the wireless terminal to determine the data rate that is supported by the wireless terminal.

Trossen, however, fails to teach or suggest “a reception ability value collector configured to collect a reception ability value of each mobile station belonging to a specific multicast group, *wherein the reception ability value defines at least one of a demodulation method, a reception buffer size, a number of bits or codes that a processor can process per one operation, an error correction method and an interleaving length,*” as recited in amended independent Claim 1.

P. 4 of the Final Office Action, in rejecting Claims 5, 8, 9 and 12 (and the Advisory Action of August 17, 2007 in rejecting amended independent Claims 1 and 4), cites col. 5, lines 24-27 of Trossen and asserts that the reference “teaches that wherein the reception ability value is defined by at least one of a demodulation method, a reception buffer size, a computing processing ability, an error correction method and an interleaving length,” further noting “computing processing capability to process the transmitted data rate.” This cited

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<sup>2</sup> Trossen, Abstract.

portion of Trossen describes that that the wireless terminal (101) periodically reports a measured signal to noise ratio (SNR) or similar quality measure using signaling messages from wireless terminal (101) to base station (105). The node (207) then converts the SNR measurement or a similar quality measure to a corresponding maximum data rate that wireless terminal (101) can support.

However “a number of bits or codes that a processor can process per one operation” (e.g. the feature amended to replace “computing processing ability”) does not relate to an SNR measurement or a similar quality measure, as described in Trossen. More specifically, “a number of bits or codes that a processor can process per one operation” reflects the capability of the mobile station itself, and not a value measured by the mobile station, as described in Trossen.

Thus, the “corresponding maximum data rate” is not a “reception ability value” as defined in amended independent Claim 1. Instead, amended independent Claim 1 recites that “the reception ability value *defines* at least one of a demodulation method, a reception buffer size, a number of bits or codes that a processor can process per one operation, an error correction method and an interleaving length.” Trossen, on the other hand, simply describes converting a received SNR measurement to a corresponding maximum data rate and fails to teach or suggest a reception ability value collector configured to collect a reception ability value that *defines* at least one of the parameters recited in amended independent Claim 1, as noted above. More specifically, neither the SNR or calculated data rate in Trossen could possibly be used to define any of the parameters recited in amended independent Claim 1.

Therefore, Trossen fails to teach or suggest a radio communication system including “a reception ability value collector configured to collect a reception ability value of each mobile station belonging to a specific multicast group, *wherein the reception ability value defines at least one of a demodulation method, a reception buffer size, a number of bits or*

*codes that a processor can process per one operation, an error correction method and an interleaving length,”* as recited in amended independent Claim 1.

Accordingly, Applicants respectfully request the rejection of Claim 1 (and the claims that depend therefrom) under 35 U.S.C. § 102(e) be withdrawn. For substantially similar reasons, it is also submitted that amended independent Claim 4 (and the claims that depend therefrom) patentably define over Trossen.

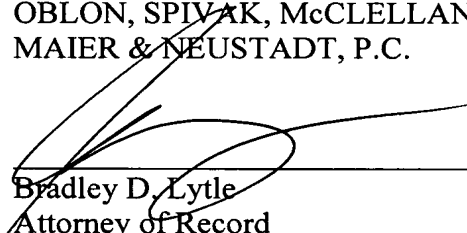
Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 4, 6-7, 11 and 13 patentably defines over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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